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Federal Communications Commission
Office of Secretary

MEMORANDUM

OFFICE OF ENGINEERING AND TECHNOLOGY

Manage the spectrum
and provide technical leadership
to create new opportunities
for competitive technologies and services
for the American public.
— Mission Statement —

Date: July 10, 1996

To: Secretary, FCC

From: Robert F. Cleveland, Office of Engineering & Technology

Subject: Ex Parte Submission: letters to federal agencies
ET Docket 93-62
"Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation"

The Commission recently sent letters to the U.S. Environmental Protection Agency, the U.S. Food and Drug Administration, the National Institute for Occupational Safety and Health and the Occupational Safety and Health Administration that are relevant to the above-referenced docket on FCC adoption of radiofrequency radiation exposure guidelines (ET Docket 93-62). Copies of these letters are attached. Please place this memorandum and the enclosed copies in the record of this proceeding as an ex parte filing.

Enclosures (4)

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 1, 1996

The Honorable Carol M. Browner
Administrator
Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460

Dear Carol:

I am writing to follow up on our phone conversation of several weeks ago regarding radiofrequency (RF) emissions and the Commission's efforts to update and amend the guidelines we use for evaluating human exposure to environmental RF energy emitted by FCC-regulated transmitters. This is one of the more important issues we are wrestling with, and I believe it is critical that we do all we can to protect the public and workers from any potential health effects from the radio services we license.

As you know, in 1993, the FCC released a Notice of Proposed Rule Making (NPRM; ET Docket 93-62) seeking public comment on these issues. At that time we requested that EPA and other federal agencies with responsibilities for health and safety comment on the various issues raised in the NPRM, including our proposal to adopt the guidelines developed by the Institute of Electrical and Electronics Engineers, Inc., (IEEE), and later endorsed by the American National Standards Institute (ANSI), designated ANSI/IEEE C95.1-1992. In response, we received comments from the EPA as well as the Food and Drug Administration (FDA), the Occupational Safety and Health Administration (OSHA), and the National Institute for Occupational Safety and Health (NIOSH).

The federal health and safety agencies generally expressed support for our efforts to update our RF exposure guidelines. However, comments from our sister agencies included recommendations for alternatives to our original proposal to adopt the ANSI/IEEE guidelines. For example, the EPA recommended that we consider adopting certain features of the ANSI/IEEE guidelines along with others recommended by the National Council on Radiation Protection and Measurements (NCRP). In many ways the ANSI/IEEE and NCRP guidelines are similar. However, as pointed out by the EPA, there are certain significant differences. For example, the EPA expressed its opinion that at microwave frequencies the limits specified by NCRP would be preferable. Likewise, NIOSH believed that it would be more appropriate to use the MPE limits recommended by NCRP, but did support the

adoption of the ANSI/IEEE limits on induced RF currents. The FDA generally supported our adoption of the ANSI/IEEE standard, but expressed significant concern about the radiated power exclusion clause included in the standard. Similarly, the Occupational Safety and Health Administration (OSHA) generally supported the ANSI/IEEE standard, but objected to the way it defined the use of two different exposure tiers to protect the public and workers, respectively.

We accord great weight to the views of our sister health and safety agencies who have primary responsibility in these areas. Therefore, in developing the new guidelines, FCC staff is considering an approach that, we believe, accommodates all the comments we received and responds to the recommendations made by the EPA and by the other federal health and safety agencies. Generally, this approach incorporates elements from both ANSI/IEEE and NCRP, and includes: 1) adoption of limits for field strength and power density limits based on NCRP recommendations (the ANSI/IEEE and NCRP limits are similar up to 1500 MHz, above which NCRP has different MPE limits); 2) adoption of ANSI/IEEE limits for localized specific absorption rate (SAR) (again, similar to NCRP); 3) deferring adoption of the ANSI/IEEE radiated power exclusion clause pending possible future consideration of a modified version; 4) a categorical exclusion policy for certain transmitters; and 5) endorsement of measurement procedures described in ANSI/IEEE C95.3 and NCRP Report No. 119.

Upon completion of your review of this approach, we seek your written comments concerning whether this approach is consistent with your views and adequately addresses your concerns. We will place your letter in the record of the rule-making docket.

Under the Telecommunications Act of 1996 the Commission is required to complete action in this proceeding by early August. Therefore, we would appreciate your early consideration of this request. If you or your staff have any questions please contact me at (202) 418-1000 or Dr. Robert Cleveland, of our Office of Engineering and Technology, at (202) 418-2422.

I look forward to your timely response.

Sincerely,

Reed E. Hundt
Chairman

Federal Communications Commission
Washington, D.C. 20554

JUL 2 1996

D. Bruce Burlington, M.D.
Director
Center for Devices and Radiological Health
U.S. Food and Drug Administration
Mail Code HFZ-1
5600 Fishers Lane
Rockville, MD 20857

Dear Dr. Burlington:

In 1993, the FCC released a Notice of Proposed Rule Making (NPRM; ET Docket 93-62) to update and amend the guidelines we use for evaluating human exposure to environmental RF energy emitted by FCC-regulated transmitters. At that time we requested that the Food and Drug Administration and other federal agencies with responsibilities for health and safety comment on the various issues raised in the NPRM, including our proposal to adopt the guidelines developed by the Institute of Electrical and Electronics Engineers, Inc., (IEEE), and later endorsed by the American National Standards Institute (ANSI), designated ANSI/IEEE C95.1-1992. In response, we received comments from FDA as well as from other agencies.

The federal health and safety agencies generally expressed support for our efforts to update our RF exposure guidelines. However, comments from our sister agencies included recommendations for alternatives to our original proposal to adopt the ANSI/IEEE guidelines. For example, the U.S. Environmental Protection Agency (EPA) recommended that we consider adopting certain features of the ANSI/IEEE guidelines along with others recommended by the National Council on Radiation Protection and Measurements (NCRP). In many ways the ANSI/IEEE and NCRP guidelines are similar. However, as pointed out by the EPA, there are certain significant differences. For example, the EPA expressed its opinion that at microwave frequencies the limits specified by NCRP would be preferable. Likewise, the National Institute for Occupational Safety and Health (NIOSH) believed that it would be more appropriate to use the MPE limits recommended by NCRP, but did support the adoption of the ANSI/IEEE limits on induced RF currents. The Occupational Safety and Health Adminstration (OSHA) generally supported the ANSI/IEEE standard, but objected to the way it defined the use of two different exposure tiers to protect the public and workers, respectively. The FDA generally supported our adoption of the ANSI/IEEE standard, but expressed significant concern about the radiated power exclusion clause included in the standard.

We accord great weight to the views of our sister health and safety agencies who have primary responsibility in these areas. Therefore, in developing the new guidelines, FCC staff is considering an approach that, we believe, accommodates all the comments we received and responds to the recommendations made by the FDA and by the other federal health and safety agencies. Generally, this approach incorporates elements from both ANSI/IEEE and NCRP, and includes: 1) adoption of limits for field strength and power density limits based on NCRP recommendations (the ANSI/IEEE and NCRP limits are similar up to 1500 MHz, above which NCRP has different MPE limits); 2) adoption of ANSI/IEEE limits for localized specific absorption rate (SAR) (again, similar to NCRP); 3) deferring adoption of the ANSI/IEEE radiated power exclusion clause pending possible future consideration of a modified version; 4) a categorical exclusion policy for certain transmitters; and 5) endorsement of measurement procedures described in ANSI/IEEE C95.3 and NCRP Report No. 119.

Upon completion of your review of this approach, we seek your written comments concerning whether this approach is consistent with your views and adequately addresses your concerns. We will place your letter in the record of the rule-making docket.

Under the Telecommunications Act of 1996 the Commission is required to complete action in this proceeding by August 5. Therefore, we would appreciate your early consideration of this request. If you or your staff have any questions please contact me at (202) 418-2470 or Dr. Robert Cleveland at (202) 418-2422.

I look forward to your timely response.

Sincerely,

Richard M. Smith

Richard M. Smith
Chief
Office of Engineering and Technology

Federal Communications Commission
Washington, D.C. 20554

Dr. Linda Rosenstock
Director
National Institute for Occupational Safety and Health
HHS Building North
Mail Stop P06
330 Independence Ave., S.W.
Room 715-H
Washington, D.C. 20201

Dear Dr. Rosenstock:

In 1993, the FCC released a Notice of Proposed Rule Making (NPRM; ET Docket 93-62) to update and amend the guidelines we use for evaluating human exposure to environmental RF energy emitted by FCC-regulated transmitters. At that time we requested that the National Institute for Occupational Safety and Health and other federal agencies with responsibilities for health and safety comment on the various issues raised in the NPRM, including our proposal to adopt the guidelines developed by the Institute of Electrical and Electronics Engineers, Inc., (IEEE), and later endorsed by the American National Standards Institute (ANSI), designated ANSI/IEEE C95.1-1992. In response, we received comments from NIOSH as well as from other agencies.

The federal health and safety agencies generally expressed support for our efforts to update our RF exposure guidelines. However, comments from our sister agencies included recommendations for alternatives to our original proposal to adopt the ANSI/IEEE guidelines. For example, the U.S. Environmental Protection Agency (EPA) recommended that we consider adopting certain features of the ANSI/IEEE guidelines along with others recommended by the National Council on Radiation Protection and Measurements (NCRP). In many ways the ANSI/IEEE and NCRP guidelines are similar. However, as pointed out by the EPA, there are certain significant differences. For example, the EPA expressed its opinion that at microwave frequencies the limits specified by NCRP would be preferable. Likewise, the NIOSH believed that it would be more appropriate to use the MPE limits recommended by NCRP, but did support the adoption of the ANSI/IEEE limits on induced RF currents. The Food and Drug Administration (FDA) generally supported our adoption of the ANSI/IEEE standard, but expressed significant concern about the radiated power exclusion clause included in the standard. The Occupational Safety and Health Administration (OSHA) generally supported the ANSI/IEEE standard, but objected to the way it defined the use of two different exposure tiers to protect the public and workers, respectively.

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I look forward to your timely response.

Sincerely,

Richard M. Smith
Chief
Office of Engineering and Technology

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Federal Communications Commission
Washington, D.C. 20554
JUL 2 1996

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JUL 12 1996
Federal Communications Commission
Office of Secretary

Mr. Joseph A. Dear
Assistant Secretary of Labor for Occupational Safety and Health
U.S. Department of Labor
200 Constitution Ave., N.W.
Washington, D.C. 20210

Dear Mr. Dear:

In 1993, the FCC released a Notice of Proposed Rule Making (NPRM; ET Docket 93-62) to update and amend the guidelines we use for evaluating human exposure to environmental RF energy emitted by FCC-regulated transmitters. At that time we requested that the Occupational Safety and Health Administration and other federal agencies with responsibilities for health and safety comment on the various issues raised in the NPRM, including our proposal to adopt the guidelines developed by the Institute of Electrical and Electronics Engineers, Inc., (IEEE), and later endorsed by the American National Standards Institute (ANSI), designated ANSI/IEEE C95.1-1992. In response, we received comments from OSHA as well as from other agencies.

The federal health and safety agencies generally expressed support for our efforts to update our RF exposure guidelines. However, comments from our sister agencies included recommendations for alternatives to our original proposal to adopt the ANSI/IEEE guidelines. For example the U.S. Environmental Protection Agency (EPA) recommended that we consider adopting certain features of the ANSI/IEEE guidelines along with others recommended by the National Council on Radiation Protection and Measurements (NCRP). In many ways the ANSI/IEEE and NCRP guidelines are similar. However, as pointed out by the EPA, there are certain significant differences. For example, the EPA expressed its opinion that at microwave frequencies the limits specified by NCRP would be preferable. Likewise, the National Institute for Occupational Safety and Health (NIOSH) believed that it would be more appropriate to use the MPE limits recommended by NCRP, but did support the adoption of the ANSI/IEEE limits on induced RF currents. The Food and Drug Administration (FDA) generally supported our adoption of the ANSI/IEEE standard, but expressed significant concern about the radiated power exclusion clause included in the standard. OSHA generally supported the ANSI/IEEE standard, but objected to the way it defined the use of two different exposure tiers to protect the public and workers, respectively.

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Richard M. Smith

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